



**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney   
Michael Faden, Senior Legislative Attorney 

SUBJECT: **Introduction:** SRA 08-01, Executive Branch Reorganization – Department of Transportation

SRA 08-01, Executive Branch Reorganization – Department of Transportation, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on March 4, 2008. A public hearing is tentatively scheduled for April 8 at 1:30 p.m., along with Bill 4-08 and ZTA 08-03, also introduced today.

SRA 08-01 would rename the Department of Public Works and Transportation in the subdivision regulations as the Department of Transportation, and modernize archaic language in the affected sections.

This packet contains

SRA 08-01

Resolution to set hearing date

Circle

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Ordinance No.: \_\_\_\_\_  
Sub. Reg. Amendment No. \_\_\_\_\_  
Concerning: Executive Branch  
Reorganization – Department of  
Transportation  
Draft No. & Date: 3 2-29-08  
Introduced: March 4, 2008  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: July 1, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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AN AMENDMENT to the Subdivision Regulations to:

- (1) transfer certain functions to the Department of Transportation; and
- (2) generally amend the subdivision regulations regarding the abolition of the Department of Public Works and Transportation and creation of the Department of Transportation

By amending the following section of the Montgomery County Code, Chapter 50:  
Sections 50-24, 50-35, and 50-38

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

OPINION

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:*

1           **Sec 1. Chapter 50 is amended as follows:**

2   **50-24. Required public improvements.**

3                                   \*       \*       \*

4           (i)   *Street lights.* The developer or subdivider must provide street lights under  
5                   [specifications, requirements, and] the standards [prescribed] required by the County  
6                   Department of [Public Works and] Transportation, except [for streets] if the street is  
7                   [where] on a preliminary [plans were] plan approved [on or] before December [15]  
8                   16, 1968, and the plat [thereof] was recorded [on or] before February [1] 2, 1969.  
9                   The Department of [Public Works and] Transportation may waive any requirement  
10                  under this subsection for any new subdivision that abuts a rustic road if the  
11                  requirement is incompatible with the rustic road, or may substitute any alternative  
12                  requirement that is consistent with the goals of the rustic roads law.

13                                  \*       \*       \*

14   **50-35. Preliminary subdivision plan—Approval procedure.**

15           (a)   *Referral of plan.* Immediately after receiving a proposed plan, the Director must  
16                   send a copy to each of the following agencies, if that agency has a direct interest in  
17                   the installation or maintenance of utilities, roads, or other public services that will  
18                   serve the proposed subdivision, for the agency's recommendation [with respect to]  
19                   concerning the plan.

20                                  \*       \*       \*

21           (2)   County Department of [Public Works and] Transportation, as to roads,  
22                   streets, paths, and storm drainage.

23                                  \*       \*       \*

- (d) *Road grade and road profile.* Before the Board finally approves a preliminary plan, the subdivider must furnish road and pedestrian path grades and a street profile approved in preliminary form by the County Department of [Public Works and] Transportation.

\* \* \*

- (f) *Presentation of plan to Board.* Every preliminary plan must be presented to the Board for its review and action at the earliest regular meeting after the staff has completed its study and is ready to make its recommendation, [or communications received concerning such plan. The staff must present the plan to the Board] but not later than the first regular meeting which occurs after 60 days [have elapsed from the date the Board receives the plan, plus any] after the staff accepted the application as complete. Any extension of time granted for review by other agencies must be added to the 60 days. The Board must take one of the following actions:

- (1) Approve, if [in accordance with] the plan conforms to the purposes and other requirements of [these regulations] this Chapter.
- (2) Approve, [subject to] with any conditions or modifications necessary to bring [the plan and] the proposed development into [accord] compliance with all applicable [regulations] requirements. [When] If it approves a preliminary plan for cluster or MPDU optional method development, the [Planning] Board may require that, to resolve specific environmental or compatibility issues, certain detached dwellings must not be included in an application for a record plat until a site plan is approved[, as set forth in] under Division 59-D-3, and as required in Sections 59-C-1.521 and 59-C-

1.63. Any modification of a road or grades must be approved by the County Department of [Public Works and] Transportation.

\* \* \*

- (n) In approving a preliminary plan or site plan, the [Planning] Board may, with the [concurrence] consent of the [Department] Departments of [Public Works and] Transportation and [the Department of] Permitting Services, require [construction by] a developer [of] to provide a reasonable amount of off-site sidewalks or sidewalk improvements. Off-site sidewalks or sidewalk improvements may be required to provide [for one or more] necessary connections from the proposed development to an existing sidewalk, an existing or proposed bus or other public transit stop, or a public facility that either [existing] exists or is recommended in the [adopted] area master plan [for the area], that the [Planning] Board finds will be used by residents or users of the development, or for handicapped access. The developer must not be required to obtain any right-of-way to build or improve a sidewalk.

\* \* \*

#### 50-38. Waivers from [requirements of] this Chapter.

\* \* \*

- (b) *Procedure for granting variations.*

\* \* \*

- (2) *Referral for Recommendation.* The Board must refer a copy of each request to the Chief Planning Engineer, the Department of [Public Works and] Transportation, the Washington Suburban Sanitary Commission, and the Board of Education for investigation, report, and written recommendation before acting on the request. Any report and recommendation must be

submitted to the Board within 30 days after the staff receives it, or the recommendation must be treated as favorable. A request for a variation, filed under this Section, [constitutes a waiver of] waives the time requirements [set forth] in Sections 50-35 and 50-36 and extends the time [permitted] for [such] review for 45 [additional] more days.

\* \* \*

**Sec 2. Effective date.** This ordinance takes effect on July 1, 2008.

Approved:

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Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

Date

Resolution No:  
Introduced: March 4, 2008  
Adopted:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: District Council

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**Subject: Notice of Public Hearing on Subdivision Regulation Amendment 08-01**

Background

1. §50-6A of the County Code requires that, within 30 days after any subdivision regulation amendment is introduced, the Council must by resolution set a date and time for public hearing on the proposed amendment.
2. Subdivision Regulation Amendment 08-01 was introduced on March 4, 2008.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

Legal notice must be given of the public hearing to be held on April 8, 2008, at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, to give the public an opportunity to comment on SRA 08-01.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council